

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

ROBERT HURWITZ, on Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

v.

ERIC MULLINS, CHARLES W. ADCOCK,
JONATHAN C. FARBER, TOWNES G.
PRESSLER, JR., JOHN A. BAILEY,
JONATHAN P. CARROLL, SCOTT W.
SMITH, RICHARD A. ROBERT, W.
RICHARD ANDERSON, BRUCE W.
MCCULLOUGH, and LOREN
SINGLETERARY,

Defendants.

Case No.: 1:15-cv-00711-MAK

CLASS ACTION

**CLASS REPRESENTATIVE'S AMENDED UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF SETTLEMENT**

Class Representative¹ Robert Hurwitz respectfully submits this Amended Unopposed Motion for Preliminary Approval of Settlement ("Motion") for entry of the Amended Order Preliminarily Approving Settlement and Providing for Notice, attached hereto as Exhibit A, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure providing for, among other things:

(1) preliminary approval of the terms of the proposed Settlement as set forth in the Stipulation;

(2) approval of the form and method for providing notice of the proposed Settlement and Settlement Hearing to the Class; and (3) setting a Settlement Hearing at which the Court will consider the request for final approval of: (a) the proposed Settlement set forth in the Stipulation, (b) the Plan of Allocation of settlement proceeds among Class Members, (c) Class Counsel's

¹ All capitalized terms that are not defined herein have the same meanings as set forth in the Stipulation of Settlement (the "Stipulation") dated and filed June 27, 2018. D.I. 174.

application for an award of attorneys' fees and expenses, and (d) Class Representative's request for an award to reflect the time and effort he has expended on behalf of the Class.

The grounds for this Motion are set forth in the accompanying brief in support, the accompanying declaration of Stephen J. Oddo, Esq., the Stipulation, the pleadings and records on file in this case, and such other matters as the Court may consider.

Pursuant to Local Rule 7.1.1, Lead Class Counsel conferred with counsel for Defendants. Defendants' counsel indicated that Defendants support the preliminary approval of the Settlement.

Dated: July 11, 2018

Respectfully submitted,

COOCH AND TAYLOR, P.A.

/s/ Blake A. Bennett

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Lead Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2018, I electronically filed *Class Representative's Amended Unopposed Motion for Preliminary Approval of Settlement* with the Clerk of Court using CM/ECF which will send notification of such filing to those registered as CM/ECF participants.

/s/ Blake A. Bennett

Blake A. Bennett (#5133)

Attorneys for Class Representative